

STEPHEN J. ERIGERO (SBN 11562)  
TIMOTHY J. LEPORE (SBN 13908)  
ROPERS MAJESKI PC  
3753 Howard Hughes Pkwy, Suite 200  
Las Vegas, NV 89169  
Telephone: 702.954.8300  
Facsimile: 213.312.2001  
Email: stephen.erigero@ropers.com  
timothy.lepore@ropers.com

Attorneys for Defendant  
AMGUARD INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MANUEL GARCIA, individually,

Plaintiff,

v.

AMGUARD INSURANCE COMPANY, an  
insurance exchange; DOES 1 through X, and  
ROE CORPORATION X through XX,  
inclusive,

Defendant.

CASE NO. 2:23-cv-00612-JCM-NJK

**JOINT STIPULATION FOR  
EXTENSION OF SCHEDULING  
ORDER DEADLINES**

**FIRST REQUEST**

Complaint Filed: March 20, 2023.

Plaintiff Manuel Garcia ("Plaintiff") and Defendant AmGUARD Insurance Company ("AmGUARD"), by and through their respective counsel of record, hereby submit this Joint Stipulation for Extension of Scheduling Order Deadlines to extend the remaining deadlines within the Discovery Plan and Scheduling Order (the "Scheduling Order") (ECF No. 11), entered on May 22, 2023, by 90 days. This is the parties first request to extend any deadline contained in the Scheduling Order.

**I. DISCOVERY THAT HAS BEEN COMPLETED:**

The parties have completed the following discovery:

1. On May 15, 2023, Plaintiff served his Initial Disclosures of Witnesses and Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).

2. On May 16, 2023, Plaintiff served his first supplement Initial Disclosures of Witnesses and Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).
3. On May 30, 2023, Plaintiff served his second supplement Initial Disclosures of Witnesses and Documents Pursuant to Federal Rule of Civil Procedure (“Rule(s)”) 26(a)(1).
4. On May 31, 2023, AmGUARD served its Request for Production of Documents (Set One) on Plaintiff.
5. On May 31, 2023, AmGUARD served its Interrogatories (Set One) to Plaintiff.
6. On or about June 29, 2023, AmGUARD served a subpoena to produce documents on non-party USAA Casualty Insurance Company.
7. On June 14, 2023, Plaintiff underwent a Rule 35 independent medical examination of his alleged rotator cuff and spinal injuries.
8. On June 30, 2023, AmGUARD served its Initial Disclosures Pursuant to Rule 26(a) and a 96-page privilege log.
9. On July 7, 2023, Plaintiff served his third supplement Initial Disclosures of Witnesses and Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).
10. On July 16, 2023, Plaintiff served his First Set of Requests for Production of Documents.
11. On July 16, 2023, Plaintiff served his First Set of Requests for Admissions.
12. On July 16, 2023, Plaintiff served his First Set of Interrogatories.
13. On July 18, 2023, Plaintiff served his fourth supplement Initial Disclosures of Witnesses and Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).

## II. **DISCOVERY THAT REMAINS TO BE COMPLETED**

The following discovery by the parties remains to be completed:

Plaintiff and AmGUARD need to respond to the outstanding discovery requests.

Plaintiff and AmGUARD will need to serve follow-up written discovery, including Interrogatories, Requests for Production, and Requests for Admissions; subpoenas for the production of documents from various non-parties, including seventeen medical providers that

Plaintiff has disclosed; and deposition notices of Rule 30(b)(6) witnesses, percipient witnesses, and expert witnesses. Plaintiff and AmGUARD also still need to disclose expert witnesses and will produce expert reports, and possibly rebuttal reports to any expert report produced by other parties.

### **III. REASONS WHY REMAINING DISCOVERY WAS NOT COMPLETED:**

The parties require additional time for discovery to facilitate the resolution of this action through negotiated settlements before incurring the additional costs to retain experts and prepare expert reports compliant with Federal Rule of Civil Procedure 26(a)(2). In addition, Plaintiff recently underwent further surgical treatment on June 19, 2023, and has again supplemented his initial disclosures with further medical records, which require additional follow up discovery. Further, AmGUARD just received on July 20, 2023, HIPPA authorizations from Plaintiff for 17 medical providers that he disclosed, which has delayed the ability of AmGUARD to subpoena these medical providers. As such, good cause exists for the requested extension.

### **IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:**

The parties hereby stipulate to the following schedule for completing all remaining discovery:

1. Last Day to Amend the Pleadings or Add New Parties: October 25, 2023.
2. Rule 26(a)(2) Disclosure (Experts):
  - a. Initial Expert Disclosure: November 22, 2023
  - b. Rebuttal Expert Disclosure: December 22, 2023.
3. Close of Discovery: January 26, 2024.
4. Dispositive Motions: February 26, 2024.
5. Pretrial Order: March 27, 2024.

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1 The disclosures that Rule 26(a)(3) requires will be made in the joint pretrial order. If  
2 dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until  
3 30 days after decision on the dispositive motions or further court order.

4 Dated: July 25, 2023

ROPERS MAJESKI PC

By: 

STEPHEN J. ERIGERO  
(NV BAR NO. 11562)  
TIMOTHY J. LEPORE  
(NV BAR NO. 13908)  
Attorneys for Defendant  
AMGUARD INSURANCE COMPANY

10 Dated: July 25 2023

ANGULO LAW GROUP

By: */s/ Peter M. Angulo*

PETER M. ANGULO  
NV BAR NO. 003672  
Attorneys for Plaintiff  
MANUEL GARCIA

16 **IT IS SO ORDERED.**

**ORDER**

18   
UNITED STATES MAGISTRATE JUDGE

Dated: July 26, 2023